



CONSTITUTIONS
OF THE
UNITED STATES AND STATE OF TEXAS

UNIVERSITY OF ILLINOIS LIBRARY

FEB 20 1923

VON BOECKMANN-JONES CO.,
PRINTERS AND BOOKBINDERS,
AUSTIN, TEXAS.



CONSTITUTIONS

OF THE

UNITED STATES AND STATE OF TEXAS

VON BOECKMANN-JONES CO.,
PRINTERS AND BOOKBINDERS,
AUSTIN, TEXAS.

342.7641
T 31
192-

CONSTITUTION OF THE UNITED STATES

[Note.—The text of the Constitution of the United States here given has been compared with Paschal's Constitution of the United States, and with the text in "Federal Statutes Annotated"; the former having been compared with a copy of the original, certified to by James Buchanan, Secretary of State, on July 20, 1846; the latter having been compared with a certified copy published by the Government Printing Office in 1891.]

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second

mac

year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States,

which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and postroads.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriations of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.
14. To make rules for the government and regulation of the land and naval forces.
15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions.
16. To provide for organizing, arming and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.
17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings; and
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
2. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.
3. No bill of attainder or ex post facto law shall be passed.
4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.
6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
2. No State shall, without the consent of the Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

[Note.—This subdivision (3) has been amended and superseded by the Twelfth Amendment.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures

of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

SECTION I.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors

appointed; and if no persons have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

SECTION II.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

SECTION III.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION I.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION I.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION II.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION III.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, but Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION IV.

The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION V.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION I.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION II.

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; provided, that the Legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII.

SECTION I.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION II.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION III.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF THE STATE OF TEXAS

Ratified February 15, 1876.

PREAMBLE.

Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. TEXAS FREE AND INDEPENDENT.—Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

SEC. 2. ALL POLITICAL POWER IS INHERENT IN THE PEOPLE.—All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. ALL FREE MEN HAVE EQUAL RIGHTS.—All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments or privileges but in consideration of public services.

SEC. 4. THERE SHALL BE NO RELIGIOUS TEST FOR OFFICE.—No religious test shall ever be required as a qualification to any office or public trust in this State; nor shall anyone be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. HOW OATHS SHALL BE ADMINISTERED.—No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. FREEDOM IN RELIGIOUS WORSHIP GUARANTEED; LIBEL.—All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. NO APPROPRIATION FOR SECTARIAN PURPOSES.—No money shall be appropriated or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purpose.

SEC. 8. LIBERTY OF SPEECH AND PRESS GUARANTEED.—Every person shall be at liberty to speak, write or publish his opinions, on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the

liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. NO UNREASONABLE SEIZURES AND SEARCHES ALLOWED.—The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. RIGHT OF ACCUSED PERSONS IN CRIMINAL PROSECUTIONS.—In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. BAIL.—All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

SEC. 12. THE WRIT OF HABEAS CORPUS.—The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. EXCESSIVE BAIL AND FINE AND UNUSUAL PUNISHMENT PROHIBITED; COURTS OPEN.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 14. NO PERSON SHALL BE PUT TWICE IN JEOPARDY.—No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. RIGHT OF TRIAL BY JURY.—The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. THERE SHALL BE NO BILL OF ATTAINDER OR EX POST FACTO LAWS.—No bill of attainder or ex post facto law, retroactive law, or any other law impairing the obligation of contracts, shall be made.

SEC. 17. PRIVILEGES AND FRANCHISE; EMINENT DOMAIN.—No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privilege or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. NO IMPRISONMENT FOR DEBT.—No person shall ever be imprisoned for debt.

SEC. 19. DUE COURSE OF LAW.—No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. NO OUTLAWRY OR DEPORTATION.—No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES.—No conviction shall work corruption of blood or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. TREASON.—Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. RIGHT TO BEAR ARMS.—Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

SEC. 24. MILITARY SUBORDINATE TO CIVIL AUTHORITY.—The military shall at all times be subordinate to the civil authority.

SEC. 25. QUARTERING SOLDIERS.—No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. PERPETUITIES; MONOPOLIES; PRIMOGENITURE; ENTAILMENTS.—Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailment ever be in force in this State.

SEC. 27. RIGHT OF PETITION GUARANTEED.—The citizens shall have the right, in a peaceable manner, to assemble together for their common good and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

SEC. 28. POWER TO SUSPEND LAWS.—No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. "BILL OF RIGHTS" INVIOLEATE.—To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. DEPARTMENTS OF GOVERNMENT TO BE KEPT DISTINCT.—The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confined to a separate body of magistracy, towit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. THE LEGISLATURE; HOUSE AND SENATE.—The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "the Legislature of the State of Texas."

SEC. 2. NUMBER OF MEMBERS LIMITED.—The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of

Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when or at any apportionment thereafter the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every fifteen thousand inhabitants; provided, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. ELECTION OF SENATORS; NEW APPORTIONMENT.—The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Senators shall be chosen biennially thereafter.

SEC. 4. ELECTION OF REPRESENTATIVES; TERM OF OFFICE.—The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. TIME OF MEETING.—The Legislature shall meet every two years at such time as may be provided by law, and at other times when convened by the Governor.

SEC. 6. QUALIFICATIONS OF SENATORS.—No person shall be a Senator unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. QUALIFICATIONS OF REPRESENTATIVES.—No person shall be a Representative unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. EACH HOUSE TO JUDGE QUALIFICATION OF ITS OWN MEMBERS.—Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. PRESIDENT PRO TEM. OF THE SENATE; SPEAKER OF HOUSE; OFFICERS.—The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members. And each house shall choose its other officers.

SEC. 10. QUORUM.—Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. RULES; POWER TO PUNISH AND EXPEL.—Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. JOURNAL; YEAS AND NAYS.—Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the Journals.

SEC. 13. VACANCIES, HOW FILLED.—When vacancies occur in either house, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of

election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened, shall be authorized to order an election for that purpose.

SEC. 14. MEMBERS OF LEGISLATURE PRIVILEGED FROM ARREST.—Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 15. EACH HOUSE MAY PUNISH DISORDERLY CONDUCT.—Each house may punish, by imprisonment, during its sessions, any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. SESSIONS TO BE OPEN.—The sessions of each house shall be open, except the Senate when in executive session.

SEC. 17. ADJOURNMENTS.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. INELIGIBILITY OF MEMBERS TO CERTAIN OFFICES; NOT TO BE INTERESTED IN CONTRACTS.—No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole, or in part, by either branch of the Legislature, and no member of either house shall vote for any other member for any office whatever which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. WHAT OFFICERS INELIGIBLE TO MEMBERSHIP IN LEGISLATURE.—No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. RECEIVERS OR DISBURSERS OF PUBLIC FUNDS NOT ELIGIBLE TO MEMBERSHIP IN THE LEGISLATURE UNTIL DISCHARGE RECEIVED.—No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

SEC. 21. FREEDOM IN DEBATE.—No member shall be questioned in any other place for words spoken in debate in either house.

SEC. 22. PERSONAL INTEREST IN MEASURE OR BILL.—A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 23. REMOVAL VACATES OFFICE.—If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Section 13 of this article.

SEC. 24. MILEAGE AND PER DIEM.—The members of the Legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day

for the remainder of the session; except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat, now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. SENATORIAL DISTRICTS, HOW APPORTIONED.—The State shall be divided into Senatorial Districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator; and no single county shall be entitled to more than one Senator.

SEC. 26. REPRESENTATIVE DISTRICTS, HOW APPORTIONED.—The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a Representative District with any other contiguous county or counties.

SEC. 27. ELECTION OF MEMBERS.—Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. REAPPORTIONMENT AT EACH CENSUS.—The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into Senatorial and Representative Districts, agreeably to the provisions of Sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be, and it is hereby divided into Senatorial and Representative Districts as provided by an ordinance of the convention on that subject.

PROCEEDINGS.

SEC. 29. ENACTING CLAUSE.—The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

SEC. 30. LAWS TO BE PASSED BY BILL; AMENDMENTS.—No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house, as to change its original purpose.

SEC. 31. BILLS MAY ORIGINATE IN EITHER HOUSE AND MAY BE AMENDED OR REJECTED BY THE OTHER HOUSE.—Bills may originate in either house, and when passed by such house may be amended, altered or rejected by the other.

SEC. 32. BILLS TO BE READ ON THREE SEVERAL DAYS; SUSPENSION OF RULE.—No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journals.

SEC. 33. BILLS FOR RAISING REVENUE.—All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. BILL OR RESOLUTION DEFEATED, NOT TO BE CONSIDERED AGAIN.—After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. BILLS TO CONTAIN BUT ONE SUBJECT, WHICH MUST BE EXPRESSED IN TITLE.—No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. REVIVING OR AMENDING LAWS.—No law shall be revived or amended by reference to its title; but in such case the act revived, or section or sections amended, shall be re-enacted and published at length.

SEC. 37. REFERENCE TO COMMITTEES.—No bill shall be considered unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. SIGNING BILLS.—The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the Journals.

SEC. 39. WHEN LAWS TAKE EFFECT.—No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals.

SEC. 40. BUSINESS AND DURATION OF SPECIAL SESSIONS.—When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

SEC. 41. ELECTIONS; VOTES, HOW TAKEN.—In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. TO PASS NECESSARY LAWS.—The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. REVISION AND PUBLICATION OF LAWS.—The first session of the Legislature under the Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; provided, that in the adoption of and giving effect to any such digest or revision the Legislature shall not be limited by Sections 35 and 36 of this article.

SEC. 44. COMPENSATION OF OFFICERS; PAYMENT OF CLAIMS.—The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into, for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law;

nor employ any one in the name of the State, unless authorized by pre-existing law.

SEC. 45. CHANGE OF VENUE.—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. LEGISLATURE SHALL ENACT VAGRANT LAWS.—The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. LOTTERIES SHALL BE PROHIBITED.—The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. POWER TO LEVY TAXES LIMITED.—The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of this State.

The erection and repairs of public buildings.

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds, for the payment of which the sinking fund is inadequate.

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas.

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith.

The support of the Blind Asylum, the Deaf and Dumb Asylum and the Insane Asylum, the State Cemetery and the public grounds of the State.

The enforcement of quarantine regulations on the coast of Texas.

The protection of the frontier.

SEC. 49. PURPOSE FOR WHICH DEBTS MAY BE CREATED.—No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. CREDIT OF STATE NOT TO BE PLEDGED.—The Legislature shall have no power to give or to lend or to authorize the giving or lending of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. TAX LEVY AUTHORIZED FOR CONFEDERATE SOLDIERS AND SAILORS AND THEIR WIDOWS.—The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1900, and their widows in indigent circumstances, and who have been bona fide residents of the State of Texas since January 1, 1900, and who were married to such soldiers and sailors anterior to January 1, 1900; to indigent and disabled soldiers, who, under special laws of the State of Texas, during the war between the States, served for a period of at least six months in organization for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia of the State of Texas who were in active service for a period of at least six months during the war between the States, to the widows of such soldiers who are in indigent circumstances and who were married to such soldiers prior to January 1, 1900; provided that the word "widow" in the preceding lines of this section shall not apply to women born since 1861; and also to grant aid

for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided the Legislature may provide for husband and wife to remain together in the home.

The Legislature shall have the power to levy and collect, in addition to all other taxes heretofore permitted by the Constitution of Texas, a State ad valorem tax on property not exceeding five cents on the one hundred dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers serving in said armies, navies, organizations or militia.

SEC. 52. COUNTIES, CITIES, ETC., NOT TO BE AUTHORIZED TO GRANT MONEY OR TO BECOME STOCKHOLDERS.—The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; provided, however, that under legislative provision any county, any political subdivision of a county, any number of adjoining counties or any political subdivision of the State or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include towns, villages or municipal corporations, upon a vote of a two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect such taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes, to wit:

(a) The improvement of rivers, creeks and streams to prevent overflows and to permit of navigation thereof or irrigation thereof, or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation or in aid thereof.

(c) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof.

SEC. 53. EXTRA COMPENSATION BY MUNICIPAL CORPORATIONS.—The Legislature shall have no power to grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part; nor pay, nor authorize the payment of any claim created against any county or municipality of the State under any agreement or contract made without authority of law.

SEC. 54. LIENS ON RAILROADS.—The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. LEGISLATURE HAS NO POWER TO RELEASE DEBTS.—The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State or to any county or other municipal corporation therein.

SEC. 56. LOCAL AND SPECIAL LAWS.—The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons and places;

Changing the venue in civil or criminal cases;

Authorizing and laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charter;

For the opening and conducting of elections or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers in counties, cities, towns, election of school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts or the enforcing of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors or persons under disability;

Remitting fines, penalties and forfeitures and refunding money legally paid into the Treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. NOTICE OF LOCAL OR SPECIAL LAWS.—No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. SESSIONS TO BE HELD AT AUSTIN, SEAT OF GOVERNMENT.—The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. OFFICERS OF EXECUTIVE DEPARTMENT.—The executive department of the State shall consist of a Governor, who shall be the Chief Executive Officer

of the State; a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and the Attorney General.

SEC. 2. ELECTION OF EXECUTIVE OFFICERS.—All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. ELECTION RESULTS; TIES; CONTESTS.—The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up and transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives as soon as the Speaker shall be chosen, and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by a joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

SEC. 4. GOVERNOR WHEN INSTALLED; TERM; QUALIFICATIONS.—The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. GOVERNOR'S SALARY AND MANSION.—He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars and no more, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture.

SEC. 6. GOVERNOR TO HOLD NO OTHER OFFICE, ETC.—During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession and receive compensation, reward, fee or the promise thereof for the same; nor receive any salary, reward or compensation or the promise thereof from any person or corporation for any service rendered or performed during the time he is Governor or to be thereafter rendered or performed.

SEC. 7. COMMANDER-IN-CHIEF; MAY CALL OUT MILITIA.—He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. GOVERNOR MAY CONVENE LEGISLATURE.—The Governor may, on extraordinary occasions convene the Legislature at the seat of government or at a different place in case that should be in possession of the public enemy or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. GOVERNOR'S MESSAGE; TO ACCOUNT FOR MONEYS; PRESENT ESTIMATES, ETC.—The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present

estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. GOVERNOR SHALL CAUSE THE LAWS TO BE EXECUTED; INTERCOURSE WITH OTHER STATES.—He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the States with other States and with the United States.

SEC. 11. GOVERNOR MAY ISSUE PARDONS, REMIT FINES, ETC.—In all criminal cases except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate he may grant pardons in cases of treason, and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. GOVERNOR TO FILL VACANCIES IN STATE AND DISTRICT OFFICES.—All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. WHERE GOVERNOR SHALL RESIDE.—During the session of the Legislature the Governor shall reside where its sessions are held and at all other times at the seat of government, except when by act of the Legislature he may be required or authorized to reside elsewhere.

SEC. 14. APPROVAL OF BILLS; VETO BILL NOT RETURNED TO BECOME A LAW.—Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapproves it, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the Journal of each house, respectively. If any bill shall not be returned by the Governor with his objections within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the house in which the bill originated, a copy of such statement, and the items objected to shall be separately considered. If, on

reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objection of the Governor. If any such bill containing several items of appropriation not having been presented to the Governor ten days, Sundays excepted, prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. WHAT TO BE PRESENTED FOR APPROVAL.—Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary except on questions of adjournment shall be presented to the Governor, and before it shall take effect shall be approved by him; or, being disapproved, shall be repassed by both houses, and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. LIEUTENANT GOVERNOR; ELECTION; TERM; POWERS AND DUTIES.—There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be President of the Senate and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent or disabled, shall be acquitted, return or his disability be removed.

SEC. 17. VACANCY IN OFFICE; COMPENSATION.—If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve or be removed from office or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government as Governor he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner, the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 18. SUCCESSION TO GOVERNORSHIP.—The Lieutenant Governor, or President of the Senate, succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. SEAL OF STATE; SECRETARY OF STATE TO KEEP, ETC.—There shall be a seal of the State which shall be kept by the Secretary of State and used by him officially under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

SEC. 20. COMMISSIONS TO BE SIGNED AND SEALED.—All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. SECRETARY OF STATE; TERM; DUTIES; COMPENSATION.—There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws and keep a fair register of all official acts and proceedings of the Governor,

and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars and no more.

SEC. 22. ATTORNEY GENERAL; TERM; DUTIES; RESIDENCE; SALARY.—The Attorney General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; provided, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. COMPTROLLER; TREASURER, AND COMMISSIONER OF THE GENERAL LAND OFFICE; TERMS; SALARIES; RESIDENCE; FEES.—The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of two years and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the Capitol of the State during his continuance in office, and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State Treasury.

SEC. 24. OFFICERS TO ACCOUNT TO THE GOVERNOR; DUTY OF GOVERNOR; FALSE REPORTS.—An account shall be kept by the officers of the executive department and by all officers and managers of State institutions of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor, under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers upon any subject relating to the duties, conditions, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury and so adjudged and punished accordingly and removed from office.

SEC. 25. LAWS FOR INVESTIGATION OF BREACHES OF TRUST.—The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. NOTARIES PUBLIC.—The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. THE SEVERAL COURTS; CRIMINAL COURTS.—The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in district courts, in county courts, in commissioners

courts, in courts of justices of the peace and in such other courts as may be provided by law. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction and organization now existing by law until otherwise provided by law. The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

SEC. 2. SUPREME COURT; QUORUM; QUALIFICATIONS; ELECTION; SALARY; VACANCY.—The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this State and unless he shall have attained the age of thirty years and shall have been a practicing lawyer or a judge of a court or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their offices six years or until their successors are elected and qualified and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of the chief justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualified.

SEC. 3. JURISDICTION; TERMS OF COURT.—The Supreme Court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law, the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases of the Courts of Civil Appeals in which the judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law or where a statute of the State is held void. The Supreme Court and the justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law; and under such regulations as may be prescribed by law, the said courts and the justices thereof may issue writs of mandamus, procedendo, certiorari and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the Capitol of the State.

The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

SEC. 4. COURT OF CRIMINAL APPEALS.—The Court of Criminal Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. Said judges shall have the same qualifications and receive the same salary as the judges of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their office for a term of six years.

In case of a vacancy in the office of a judge of the Court of Criminal Appeals the Governor shall fill such vacancy by appointment of the unexpired term.

The judges of the Court of Appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution and laws as judges of the Court of Criminal Appeals.

SEC. 5. JURISDICTION; POWERS; TERM; CLERK, ETC.—The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The Court of Criminal Appeals and the judges thereof shall have the power to issue writs of habeas corpus and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Criminal Appeals shall sit for the transaction of business from the first Monday in October to the last Saturday in June in each year, at the State Capitol and two other places, or the Capital City, if the Legislature shall hereafter so provide. The Court of Criminal Appeals shall appoint a clerk for each place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years, unless sooner removed by the court for good cause entered of record on the minutes of said court.

SEC. 6. SUPREME JUDICIAL DISTRICTS; COURTS OF CIVIL APPEALS; JURISDICTION; TERM; JUSTICES; ELECTION; SALARY; CLERK.—The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the Supreme Court. Said Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction under such restrictions and regulations as may be prescribed by law. Provided, that the decisions of said court shall be conclusive on all questions of fact brought before them on appeal of error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature and at such times as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts at a general election for a term of six years and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law.

Until the organization of the Courts of Civil Appeals and Criminal Appeals, as herein provided for, the jurisdiction, power and organization and location of the Supreme Court, the Court of Appeals and the Commission of Appeals shall continue as they were before the adoption of this amendment.

All civil cases which may be pending in the Court of Appeals shall, as soon as practicable after the organization of the Courts of Civil Appeals, be certified to and the records thereof be transmitted to the proper Court of Civil Appeals to be decided by said courts. At the first session of the Supreme Court, the Court of Criminal Appeals and such of the Courts of Civil Appeals which may be hereafter created under this article, after the first election of the judges of such courts, under this amendment, the terms of office of the judges of each court shall be divided into three classes and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the

date of their election and until their successors are elected and qualified, and thereafter each of the said judges shall hold his office for six years, as provided in this Constitution.

SEC. 7. JUDICIAL DISTRICTS; JUDGES; THEIR QUALIFICATIONS; RESIDENCE; TERM OF OFFICE; SALARY; TERMS OF COURT.—The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State, for four years next preceding his election, who shall have resided in the district in which he was elected for two years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four years and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year in such manner as may be prescribed by law. The Legislature shall have power by general or special laws to authorize the holding of special terms of the court or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of district court when the judge thereof is absent or is from any cause disabled or disqualified from presiding.

The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

SEC. 8. JURISDICTION AND POWERS OF THE DISTRICT COURTS.—The district court shall have original jurisdiction of all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title of land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars, exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established in each county for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

SEC. 9. CLERK OF THE DISTRICT COURT; TERM OF OFFICE; HOW REMOVED; HOW VACANCY IS FILLED.—There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury and conviction by a petit jury. In case of vacancy the judge of a district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. JURY TRIAL; BY WHOM FEE IS TO BE PAID.—In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application

made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the Legislature.

SEC. 11. DISQUALIFICATION OF JUDGES; SPECIAL JUDGES; EXCHANGE OF DISTRICTS; VACANCIES.—No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts or hold courts for each other when they may deem it expedient, and shall do so when required by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

SEC. 12. JUDGES CONSERVATORS OF PEACE; STYLE OF WRITS; PROSECUTION BY STATE.—All judges of courts of this State shall, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the State of Texas, and shall conclude "against the peace and dignity of the State."

SEC. 13. JURORS, GRAND AND PETIT; NUMBER REQUIRED TO RETURN VERDICT.—Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury concurring may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. DISTRICTS FIXED BY ORDINANCE.—The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution until otherwise provided by law.

SEC. 15. COUNTY COURT; ELECTION; TERM OF OFFICE OF COUNTY JUDGES; FEES.—There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters a county judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. JURISDICTION OF COUNTY COURT; APPEALS; PROBATE JURISDICTION; MAY ISSUE WRITS; JUDGE DISQUALIFIED, WHEN.—The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices' courts as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed \$500 and not exceed \$1000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate juris-

diction in cases, civil and criminal, of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from justices' courts there shall be a trial de novo in the county court, and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases, civil and criminal, of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals, and in such criminal cases to the Court of Criminal Appeals, with such exceptions and under such regulations as may be prescribed by law.

The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the county court or judge thereof shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district court to the Court of Criminal Appeals.

When the judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

SEC. 17. TERMS OF COUNTY COURT FOR CRIMINAL BUSINESS; PROSECUTIONS COMMENCED BY INFORMATION; GRAND JURY TO INQUIRE INTO MISDEMEANORS; QUASHING OF GRAND JURY INDICTMENTS; JURY.—The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors, and all indictments therefor returned into the district courts shall forthwith be certified to the county courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor in advance as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. TERMS OF JUSTICES OF THE PEACE; COUNTY COMMISSIONERS AND COMMISSIONERS COURT.—Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners court provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years, and until his successor shall be elected and qualified; provided, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commission-

ers' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners court, which shall exercise such power and jurisdiction over all county business as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

SEC. 19. CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE; APPEALS; JUSTICES OF THE PEACE EX-OFFICIO NOTARIES.—Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be ex-officio notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. COUNTY CLERK; ELECTION; TERM; DUTIES; VACANCIES.—There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the commissioners court until the next general election for county and State officers; provided, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. COUNTY AND DISTRICT ATTORNEYS; DUTIES; VACANCIES; FEES.—A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor and hold his office for the term of two years. In case of vacancy the commissioners court of the county shall have power to appoint a county attorney until the next general election. The county attorney shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys; provided, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

SEC. 22. JURISDICTION OF COURTS MAY BE CHANGED BY LEGISLATURE.—The Legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of county courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. SHERIFF; TERM OF OFFICE; VACANCY.—There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties and perquisites and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the commissioners court until the next general election for county or State officers.

SEC. 24. CERTAIN OFFICERS REMOVED BY DISTRICT COURTS FOR DRUNKENNESS, INCOMPETENCY, OFFICIAL MISCONDUCT, ETC.—County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables and

other county officers, may be removed by the judges of the district courts for incompetency, official misconduct, habitual drunkenness or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. SUPREME COURT TO REGULATE PRACTICE.—The Supreme Court shall have power to make and establish rules of procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State, to expedite the dispatch of business therein.

SEC. 26. NO APPEAL IN CRIMINAL CASES BY THE STATE.—The State shall have no right of appeal in criminal cases.

SEC. 27. TRANSFER OF CASES BY THE LEGISLATURE.—The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in district courts, over which jurisdiction is given by this Constitution to the county courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

SEC. 28. VACANCIES IN OFFICES OF JUDGES OF SUPERIOR COURTS TO BE FILLED BY THE GOVERNOR.—Vacancies in the offices of the judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals and district courts shall be filled by the Governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners court until the next general election for such offices.

SEC. 29. TERMS OF COUNTY COURTS; PROBATE BUSINESS; PROSECUTIONS.—The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the commissioners court of the county under authority of law, and such other terms each year as may be fixed by the commissioners court; provided, the commissioners court of any county having fixed the times and number of terms of the county court shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

ARTICLE VI.

SUFFRAGE.

SECTION 1. PERSONS WHO CANNOT VOTE.—The following classes of persons who shall not be allowed to vote in this State, towit:

First—Persons under twenty-one years of age.

Second—Idiots and lunatics.

Third—All paupers supported by any county.

Fourth—All persons convicted of any felony; subject to such exceptions as the Legislature may make.

Fifth—All soldiers, marines and seamen employed in the service of the army or navy of the United States.

SEC. 2. POLL TAX PAYMENT REQUIRED OF VOTERS.—Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that

said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner the wife may pay the poll tax of her husband and receive the receipt therefor. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation.

SEC. 3. ELECTORS IN TOWNS AND CITIES; ONLY PROPERTY TAXPAYERS TO VOTE IN CERTAIN INSTANCES.—All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. ELECTION BY BALLOT; REGISTRATION IN CITIES OF 10,000 INHABITANTS OR MORE.—In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

SEC. 5. VOTERS PRIVILEGED FROM ARREST.—Voters shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

ARTICLE VII.

EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. PUBLIC SCHOOLS TO BE ESTABLISHED.—A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. PROVISIONS GOVERNING THE LEVY AND COLLECTION OF TAXES FOR THE SUPPORT OF THE PUBLIC FREE SCHOOLS.—All funds, lands and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations, of any nature whatsoever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same shall constitute a perpetual public school fund.

SEC. 3. SCHOOL TAXES.—One-fourth of the revenue derived from the State occupation taxes and a poll tax of one (\$1.00) dollar on every inhabitant of this State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free text-books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State, and

the Legislature may also provide for the formation of school districts by general or special law without the local notice required in other cases of special legislation; and all such school districts, whether created by general or special law may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and the erection and equipment of school buildings therein; provided, that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

SEC. 3a. COUNTY LINE DISTRICTS; VALIDATION; BONDS; TAXATION.—Every school district heretofore formed, whether formed under the general law or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district.

All bonds heretofore issued by any such districts which have been approved by the Attorney General and registered by the Comptroller are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the Constitution and laws of this State, and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same.

Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds, and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such a rate as may be provided by law under other provisions of this Constitution. And all trustees heretofore elected in districts made up of more than one county are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized until their successor shall be duly elected and qualified as is or may be provided by law.

SEC. 4. SALE OF SCHOOL LANDS; NO RELEASE TO PURCHASERS; THE INVESTMENT OF PROCEEDS.—The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SEC. 5. PERMANENT SCHOOL FUND; INTEREST; ALIENATION; SECTARIAN SCHOOLS.—The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties

according to their scholastic population and applied in such manner as may be provided by law.

SEC. 6. COUNTY SCHOOL LANDS; LIMITATIONS; SETTLERS; PROCEEDS.—All lands heretofore or hereafter granted to the several counties of this State for educational purposes are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners court of the county. Actual settlers residing on said land shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments, the interest thereon and other revenue, except the principal, shall be available fund.

SEC. 7. SCHOOLS FOR WHITE AND COLORED.—Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. BOARD OF EDUCATION.—The Governor, Comptroller and Secretary of State shall constitute a board of education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. LANDS OF ASYLUMS; SALE.—All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in the manner as provided for the sale and investment of school lands in Section 4 of this article.

UNIVERSITY.

SEC. 10. UNIVERSITY LANDS AND FUNDS.—The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State and styled "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. FUNDS OF UNIVERSITY, HOW INVESTED.—In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund. And the same as realized and received into the Treasury of the State (together with such sum belonging to the fund as may now be in the Treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; provided, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an Act of the Legislature of February 11, 1858, entitled

“An Act to establish ‘The University of Texas,’” shall not be included in or constitute a part of the permanent University fund.

SEC. 12. LANDS TO BE SOLD; RELIEF OF PURCHASERS.—The land herein set apart to the University fund shall be sold under such regulations, at such times and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. AGRICULTURAL AND MECHANICAL COLLEGE; APPROPRIATIONS.—The Agricultural and Mechanical College of Texas, established by an Act of the Legislature passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall at its next session make an appropriation not to exceed forty thousand dollars for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. BRANCH UNIVERSITY FOR COLORED.—The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. LAND APPROPRIATED FOR UNIVERSITIES TO BE SOLD.—In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. TAXATION TO BE EQUAL AND UNIFORM; OCCUPATION AND INCOME TAXES; EXEMPTIONS; LIMITATIONS UPON COUNTIES, CITIES, ETC.—Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that two hundred and fifty dollars' worth of household and kitchen furniture belonging to each family in this State shall be exempt from taxation; and provided further that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. OCCUPATION TAXES; EXEMPTIONS.—All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools, also the endowment funds of such institu-

tions of learning and religion not used with a view to profit and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer; and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void.

SEC. 3. TAXES TO BE COLLECTED FOR PUBLIC PURPOSES ONLY.—Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. POWER TO TAX CORPORATIONS NOT TO BE SURRENDERED.—The power to tax corporations and corporate property shall not be surrendered or suspended by Act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. RAILROAD TAXES DUE CITIES AND TOWNS.—All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. APPROPRIATIONS; HOW MADE AND FOR WHAT PERIOD.—No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature.

SEC. 7. SPECIAL FUNDS NOT TO BE BORROWED OR DIVERTED.—The Legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the Treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose, any special fund or any part thereof.

SEC. 8. RAILROAD PROPERTY; HOW ASSESSED.—All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as part of their tax assets.

SEC. 9. RATE OF STATE AND MUNICIPAL TAXATION.—The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents on the one hundred dollars' valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars' valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, 1883, and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars' valuation, in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars' valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

SEC. 10. TAXES NOT TO BE RELEASED EXCEPT BY TWO-THIRDS VOTE OF EACH HOUSE.—The Legislature shall have no power to release the inhabitants of or property in any county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

SEC. 11. WHERE PROPERTY IS TO BE ASSESSED.—All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the Legislature may by a two-thirds vote authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. UNORGANIZED COUNTIES.—All property subject to taxation in, and owned by residents of, unorganized counties shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties and lands lying in the territory not laid off into counties shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. TAX SALES; TAX DEEDS; REDEMPTIONS.—Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid; and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; provided, that the former owner shall within two years from date of purchaser's deed have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. ELECTION AND QUALIFICATIONS OF ASSESSORS.—There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 15. TAX LIENS AND SALES.—The annual assessment made upon landed property shall be a special lien thereon; and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent, and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. TAX COLLECTORS.—The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected, to hold office for two years and until his successor shall be elected and qualified.

SEC. 17. POWER OF LEGISLATURE AS TO TAXES.—The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. EQUALIZATION OF TAXES.—The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the county commissioners court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

SEC. 19. FARM PRODUCTS IN THE HANDS OF THE PRODUCER EXEMPT FROM ALL TAXATION.—Farm products in the hands of the producer and family supplies for home and farm use are exempt from all taxation until otherwise directed by a two-thirds vote of all the members-elect to both houses of the Legislature.

ARTICLE IX.

COUNTIES.

SECTION 1. CREATION AND ORGANIZATION OF COUNTIES; CHANGING OF COUNTY LINES.—The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population and attached for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays, and entered on the Journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. HOW COUNTY SEATS ARE CREATED AND CHANGED.—The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from a geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

ARTICLE X.

RAILROADS.

SECTION 1. RAILROADS CONNECTING AT STATE LINES; CROSSING; CONTINUOUS LINES.—Any railroad corporation or association organized under the law for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. PUBLIC HIGHWAYS; COMMON CARRIERS; DUTY OF THE LEGISLATURE; FIXING RATES.—Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different rail-

roads in this State, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

SEC. 3. RAILROADS TO KEEP PUBLIC OFFICE IN STATE; DIRECTORS; ANNUAL REPORT.—Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them, respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually under oath to the Comptroller or Governor their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. ROLLING STOCK FOR RAILROAD PROPERTY NOT EXEMPT FROM EXECUTION.—The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. RAILROADS SHALL NOT CONSOLIDATE WITH COMPETING LINES.—No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. NO RAILROAD SHALL CONSOLIDATE WITH A FOREIGN ROAD.—No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. NO STREET OR PUBLIC HIGHWAY SHALL BE USED FOR THE CONSTRUCTION OF STREET RAILWAYS WITHOUT THE CONSENT OF THE LOCAL AUTHORITIES HAVING CONTROL OF THE STREET OR HIGHWAY.—No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. CONDITIONS UPON WHICH RAILROAD CORPORATIONS MAY RECEIVE THE BENEFIT OF FUTURE LEGISLATION.—No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. UNDER CERTAIN CONDITIONS RAILROADS MUST BE CONSTRUCTED THROUGH COUNTY SEATS.—No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; provided, such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. COUNTIES ARE LEGAL SUBDIVISIONS OF THE STATE.—The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. PUBLIC BUILDINGS AND ROADS.—The construction of jails, courthouses and bridges, and the establishment of county poorhouses and farms and the laying out, construction and repairing of county roads shall be provided for by general laws.

SEC. 3. NO COUNTY OR MUNICIPAL CORPORATION SHALL BECOME A SUBSCRIBER TO THE CAPITAL STOCK OF ANY PRIVATE CORPORATION OR MAKE ANY DONATION TO THE SAME.—No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. CITIES AND TOWNS HAVING A POPULATION OF LESS THAN 5000 INHABITANTS TO BE CHARTERED BY GENERAL LAWS; DUES TO BE COLLECTED IN CURRENT MONEY.—Cities and towns having a population of five thousand or less may be chartered alone by general law. They may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and one-half per cent of the taxable property of such city; and all taxes shall be collectible only in current money, and all licenses and occupation taxes levied, and all fines, forfeitures and penalties accruing to said cities and towns shall be collectible only in current money.

SEC. 5. CITIES OF MORE THAN 5000 INHABITANTS MAY BY A MAJORITY VOTE OF THE QUALIFIED VOTERS ADOPT THEIR OWN CHARTER; LIMITATION AS TO TAXATION AND DEBT.—Cities having more than five thousand (5000) inhabitants may by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon; and provided further that no city charter shall be altered, amended or repealed oftener than every two years.

SEC. 6. MUNICIPAL TAXATION.—Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government and shall, when levied, specify in the act of levying the purpose therefor; and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. TAXATION OF SEAWALLS, ETC.; RESTRICTIONS AND LIMITATIONS; EMINENT DOMAIN.—All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the taxpayers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of seawalls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made at the time of creating the same, for levying

and collecting a sufficient tax to pay the interest thereon and provide at least two per cent as a sinking fund; and the condemnation of the right of way for the erection of such work shall be fully provided for.

SEC. 8. STATE AID FOR SEAWALLS, ETC.—The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is specially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of seawalls or breakwaters, such aid to be proportioned to the extent and value of the works constructed or to be constructed in any locality.

SEC. 9. PUBLIC BUILDINGS, ETC.—The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; provided, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. CITY OR TOWN MAY BE SCHOOL DISTRICT; SPECIAL TAX.—The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. CORPORATIONS CREATED BY GENERAL LAWS.—No private corporation shall be created except by general laws.

SEC. 2. GENERAL LAWS TO BE ENACTED.—General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. FRANCHISES TO BE UNDER LEGISLATIVE CONTROL.—The right to authorize and regulate freights, tolls, wharfage or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been and never shall be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. CHARGES AND COLLECTIONS OF FREIGHTS, WHARFAGE, FARES OR TOLLS FOR THE USE OF PROPERTY DEVOTED TO THE PUBLIC PROHIBITED EXCEPT SPECIALLY AUTHORIZED BY LAW.—The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney General and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. FREIGHTS, WHARFAGE, FARES OR TOLLS SUBJECT TO LEGISLATIVE CONTROL.—All laws granting the right to demand and collect freights, fares, tolls or wharfage shall at all times be subject to amendment, modification or repeal by the Legislature.

SEC. 6. THE ISSUANCE OF STOCKS AND BONDS BY CORPORATIONS PROHIBITED EXCEPT FOR MONEY PAID AND LABOR DONE, ETC.—No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. VESTED RIGHTS PROTECTED.—Nothing in this article shall be construed to divest or affect rights guaranteed by an existing grant or statute of this State or of the Republic of Texas.

ARTICLE XIII.

SPANISH AND MEXICAN LAND TITLES.

SECTION 1. FINES, PENALTIES AND ESCHEATS.—All fines, penalties, forfeitures and escheats which have heretofore accrued to the Republic and State of Texas under their Constitutions and laws shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited and for giving effect of escheats; and all such rights of forfeiture and escheat to the State shall, ipso facto, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3, and 4 of this article.

SEC. 2. LANDS NOT RECORDED, ARCHIVED OR IN POSSESSION.—Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived or recorded, or occupied as aforesaid, has been or ever shall be released or waived, but actual performance of all such conditions, shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. NON-PAYMENT OF TAXES; PRESUMPTIONS.—Non-payment of taxes on any claim of title to land dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. TITLES NOT TO BE RECORDED OR ARCHIVED; ACTUAL POSSESSION; "DULY RECORDED" DEFINED.—No claim of title or right to land which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words "duly recorded" as used in Sections 2 and 4 of this article it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. CERTAIN CLAIMS DECLARED VOID.—All claims, locations, surveys, grants and titles of any kind which are declared null and void by the Constitution of the Republic or State of Texas are, and the same shall remain forever, null and void.

SEC. 6. FORGERS OF LAND TITLES.—The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. CERTAIN SECTIONS NOT A REPEAL OF LAWS.—Sections 2, 3, 4 and 5 of this article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of

colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SECTION 1. GENERAL LAND OFFICE; GRANTS TO BE REGISTERED IN; LAND OFFICE TO BE SELF-SUSTAINING.—There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. REVIVAL, SURVEY AND LOCATION OF GENUINE CERTIFICATES.—All unsatisfied genuine land certificates barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the 1st day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; provided, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. GRANTS TO RAILWAYS.—The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road; and on failure of such company to comply with the terms of its charter, or to alienate its lands at a period fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

SEC. 4. SALE OF LANDS TO ACTUAL SETTLERS.—No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. ALIENATION OF RAILROAD GRANTS; DUTY OF ATTORNEY GENERAL.—All lands heretofore or hereafter granted to railroad companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State, and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the Attorney General, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to

the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

SEC. 6. GRANTS TO HEADS OF FAMILIES AND SINGLE MEN.—To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. MINES AND MINERALS RELEASED TO OWNERS OF THE SOIL.—The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. TIME EXTENDED TO COMPLY WITH ACT OF 1870.—Persons residing between the Nueces river and the Rio Grande and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by Acts of the Legislature, approved February 10, 1852, August 15, 1870, and other Acts, and who have been prevented from complying with the requirements of said Acts by the unsettled condition of the country, shall be allowed until the 1st day of January, 1880, to complete their surveys and the plots thereof, and to return their field notes to the General Land Office; and all claimants failing to do so shall be forever barred; provided, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. POWER OF IMPEACHMENT VESTED IN THE HOUSE OF REPRESENTATIVES.—The power of impeachment shall be vested in the House of Representatives.

SEC. 2. TRIAL BY SENATE.—Impeachment of the Governor, Lieutenant Governor, Attorney General, Treasurer, Commissioner of the General Land Office, Comptroller, and the judges of the Supreme Court, Courts of Appeal and district courts shall be tried by the Senate.

SEC. 3. OATH OF SENATORS.—When the Senate is sitting as a court of impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. JUDGMENT; PARTY CONVICTED SUBJECT TO INDICTMENT UNDER THE CRIMINAL LAWS.—Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

SEC. 5. OFFICERS SUSPENDED DURING PENDING PROCEEDINGS.—All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

SEC. 6. REMOVAL OF DISTRICT JUDGES.—Any judge of the district courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing, upon the oaths, taken before some judge of a court of record, of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court;

said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to facts of credible witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. TRIAL AND REMOVAL OF OTHER OFFICERS.—The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. REMOVAL OF JUDGES OF SUPREME COURT AND COURTS OF APPEAL AND OF DISTRICT COURTS.—The judges of the Supreme Court, Courts of Appeal and district courts shall be removed by the Governor on the address of two-thirds of each house of the Legislature, for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the Journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the Journals of each house, respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. OFFICIAL OATH.—Members of the Legislature and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I,, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm) that since the adoption of the Constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered or promised to pay, contributed nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or, if the office is one of appointment, to secure my appointment). So help me God."

SEC. 2. RIGHT OF SUFFRAGE TO BE PROTECTED; CRIMINALS DISFRANCHISED.—Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privileges of free suffrage shall be protected by laws, regulating elections and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. FINES AND COSTS TO BE DISCHARGED BY MANUAL LABOR.—The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. DUELING PROHIBITED.—Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus

offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. BRIBERY IN ELECTIONS DISQUALIFICATION FOR HOLDING OFFICE.—Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED; EXPENDITURES TO BE PUBLISHED.—No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money, shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. NO PAPER TO CIRCULATE AS MONEY.—The Legislature shall in no case have power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

SEC. 8. COUNTIES MAY PROVIDE WORKHOUSES, POORHOUSES AND FARMS.—Each county in the State may provide, in such manner as may be prescribed by law, a manual labor poorhouse and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

SEC. 9. ABSENCE ON BUSINESS OF THE STATE OR UNITED STATES SHALL NOT FORFEIT A RESIDENCE ONCE OBTAINED.—Absence on business of the State or of the United States shall not forfeit a residence once obtained, so as to deprive anyone of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 10. DEDUCTIONS FROM SALARIES TO BE PROVIDED FOR.—The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned by law.

SEC. 11. USURIOUS INTEREST PROHIBITED.—All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon the rate shall not exceed six per centum per annum.

SEC. 12. OFFICERS NOT ELIGIBLE.—No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature or hold or exercise any office of profit or trust under this State.

SEC. 13. LEGISLATURE SHALL PASS ARBITRATION LAWS.—It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. RESIDENCE OF OFFICERS.—All civil officers shall reside within the State, and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. WIFE'S SEPARATE PROPERTY.—Any property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. BANKING CORPORATIONS.—The Legislature shall, by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of State supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

Each shareholder of such corporate body incorporated in this State, so long as he owns shares therein, and for twelve months after the date of any bona fide transfer thereof, shall be personally liable for all debts of such corporate body existing at the date of such transfer to an amount additional to the par value

of such shares so owned or transferred, equal to the par value of such shares so owned or transferred.

No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid for in full in cash. Such body corporate shall not be authorized to engage in business at more than one place, which shall be designated in its charter.

No foreign corporation, other than the national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

SEC. 17. OFFICERS TO PERFORM DUTIES UNTIL SUCCESSOR IS QUALIFIED.—All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. VESTED RIGHTS.—The rights of property and of action, which have been acquired under the Constitution and the laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred or declared null and void by the Constitution of the Republic and State, be reinvested, renewed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further that no cause of action heretofore barred shall be revived.

SEC. 19. QUALIFICATIONS OF JURORS.—The Legislature shall prescribe by law the qualifications of grand and petit jurors.

SEC. 20. (a) The manufacture, sale, barter and exchange in the State of Texas, of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever except for medicinal, mechanical, scientific or sacramental purposes, are each and all hereby prohibited.

The Legislature shall enact laws to enforce this section.

(b) Until the Legislature shall prescribe other or different regulations on the subject, the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or any other intoxicant whatever, for medicinal purposes shall be made only in cases of actual sickness and then only upon the prescription of a regular practicing physician, subject to the regulations applicable to sales under prescriptions in prohibited territory by virtue of Article 598, Chapter 7, Title 11, of the Penal Code of the State of Texas.

(c) This amendment is self-operative and until the Legislature shall prescribe other or different penalties. Any person acting for himself or in behalf of another, or in behalf of any partnership, corporation or association of persons, who shall, after the adoption of this amendment violate any part of this constitutional provision, shall be deemed guilty of a felony, and shall, upon conviction in a prosecution commenced, carried on and concluded in the manner prescribed by law in cases of felonies, be punished by confinement in the penitentiary for a period of time not less than one year nor more than five years, without the benefit of any law providing for suspended sentence. And the district courts and the judges thereof, under their equity powers, shall have the authority to issue, upon suit of the Attorney General, injunction against infractions or threatened infractions of any part of this constitutional provision.

(d) Without affecting the provisions herein, intoxicating liquors are declared to be subject to the general police power of the State; and the Legislature shall have the power to pass any additional prohibitory laws, or laws in aid thereof, which it may deem advisable.

(e) Liability for violating any liquor laws in force at the time of the adoption of this amendment shall not be affected by this amendment, and all remedies, civil and criminal, for such violations shall be preserved. (Adopted 1919.)

SEC. 21. STATIONERY; PUBLIC PRINTING.—All stationery and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished and the printing and binding of the laws, Journals and department reports and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under

such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the Governor, Secretary of State and Comptroller.

SEC. 22. FENCE LAWS.—The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State or county, as may be needed to meet the wants of the people.

SEC. 23. STOCK LAWS.—The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands; provided, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them before it shall go into effect.

SEC. 24. ROADS; CONVICT LABOR.—The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. DRAWBACKS AND REBATES IN FREIGHT, INSURANCE, TRANSPORTATION, STORAGE, ETC., PROHIBITED.—That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain or any other produce or article of commerce, in this State, paid or allowed or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middleman of any kind not the true and absolute owner thereof are forever prohibited; and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for or respecting the same.

SEC. 26. HOMICIDE; CIVIL ACTION FOR.—Every person, corporation or company that may commit a homicide, through wilful act or omission or gross neglect, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. VACANCIES IN OFFICES FOR UNEXPIRED TERMS ONLY.—In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. WAGES EXEMPT FROM GARNISHMENT.—No current wages for personal service shall ever be subject to garnishment.

SEC. 29. BARRATRY TO BE PROHIBITED.—The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. DURATION OF OFFICES; TERM OF RAILROAD COMMISSIONER.—The duration of all offices not fixed by this Constitution shall never exceed two years; provided, that when a Railroad Commission is created by law it shall be composed of three Commissioners, who shall be elected by the people at a general election for State officers, and their term of office shall be six years; provided, Railroad Commissioners first elected after this amendment goes into effect shall hold office as follows: One shall serve two years and one four years, and one six years, their terms to be decided by lot, immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

SEC. 30a. BOARD OF REGENTS, TRUSTEES, MANAGERS, ETC.; TERM OF OFFICE.—The Legislature may provide by law that the members of the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary and penal institutions of the State, and such boards as have been or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such boards to be elected or appointed every two years in such manner as the Legislature may determine;

vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.

SEC. 31. QUALIFICATIONS OF PHYSICIANS TO BE PRESCRIBED.—The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. BOARD OF HEALTH AND VITAL STATISTICS.—The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

SEC. 33. PAYMENT OF WARRANTS BY ACCOUNTING OFFICERS.—The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution.

SEC. 34. HOW FORTS MAY BE ACQUIRED BY THE UNITED STATES.—The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals or military stations or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35.—LABORERS ON PUBLIC WORKS TO BE PROTECTED.—The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals and other similar public works, against the failure of contractors and subcontractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done responsible for their ultimate payment.

SEC. 36. PAYMENT OF SCHOOL TEACHERS PROVIDED FOR.—The Legislature shall, at its first session, provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools by the State, for services rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

SEC. 37. MECHANIC'S LIENS TO BE ENFORCED.—Mechanics, artisans and material men of every class shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said laws.

SEC. 38. COMMISSIONER OF INSURANCE, STATISTICS AND HISTORY.—The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics and History, whose term of office, duties and salary shall be prescribed by law.

SEC. 39. MEMORIALS OF TEXAS HISTORY.—The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

SEC. 40. ONLY ONE CIVIL OFFICE TO BE HELD EXCEPT JUSTICE OF THE PEACE OR COUNTY COMMISSIONER, ETC.—No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, unless otherwise specially provided herein.

SEC. 41. BRIBERY OF CERTAIN OFFICIALS TO BE PROHIBITED.—Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive,

directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of the Constitution, and shall incur the disabilities provided for such offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. LEGISLATURE MAY PROVIDE FOR INEBRIATE ASYLUM.—The Legislature may establish an inebriate asylum for the cure of drunkenness and the reform of inebriates.

SEC. 43. NO EXEMPTION FROM PUBLIC SERVICE.—No man or set of men shall ever be exempted, relieved or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. COUNTY TREASURER AND SURVEYOR.—The Legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in this State, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. RECORDS OF THE HISTORY OF TEXAS.—It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. MILITIA TO BE ORGANIZED.—The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. SCRUPLES AGAINST BEARING ARMS.—Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. LAWS TO REMAIN IN FORCE.—All laws and parts of laws now in force in the State of Texas which are not repugnant to the Constitution of the United States or to this Constitution shall continue and remain in force as the laws of this State until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. EXEMPTIONS FROM FORCED SALES.—The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also unmarried adults, male and female.

SEC. 50. HOMESTEAD EXEMPTIONS; INCUMBRANCES; PRETENDED SALES.—The homestead of a family shall be, and is hereby, protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage or trust deed or other lien shall have been created by the husband

alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. HOMESTEAD DEFINED.—The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of the family; provided, also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. DESCENT OF HOMESTEAD.—On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having jurisdiction, to use and occupy the same.

SEC. 53. DECLARATION VALIDATING PROCESS AND WRITS.—That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. INDIGENT LUNATICS.—It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. PENSIONS.—The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837; and also to the surviving signers of Declaration of Independence of Texas; and to the surviving widows, continuing unmarried, of such soldiers and signers; provided, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. NO APPROPRIATION FOR IMMIGRATION.—The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. LAND SET ASIDE FOR STATE CAPITOL.—Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State Capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

SEC. 58. BOARD OF PRISON COMMISSIONERS; TERM OF OFFICE, ETC.—The Board of Prison Commissioners, charged by law with the control and management of the State prisons, shall be composed of three members, appointed by the Governor, by and with the consent of the Senate, and whose term of office shall be six years or until their successors are appointed and qualified; provided, that the terms of office of the Board of Prison Commissioners first appointed after the adoption of this amendment shall begin on January 20th of the year following the adoption of this amendment, and shall hold office as follows: One shall serve two years, one four years and one six years, their terms to be decided by lot after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy by appointment for the unexpired term thereof.

SEC. 59. (a) The conservation and development of all the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the Constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

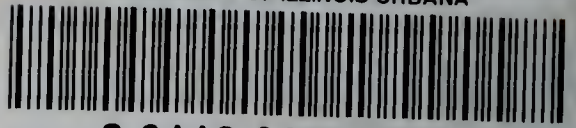
(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment, and all such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may be prescribed by law and shall, also, authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds; and also for the maintenance of such districts and improvements, and such indebtedness shall be a lien upon the property assessed for the payment thereof; provided the Legislature shall not authorize the issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified property taxpaying voters of such district and the proposition adopted. (Adopted 1917.)

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THE STATE.

SECTION 1. HOW THE CONSTITUTION IS TO BE AMENDED.—The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the Journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county in which such newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for and make returns to the Secretary of State of the number of legal votes cast at said election for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 068098935

UNIVERSITY OF ILLINOIS-URBANA
FEB 20 1923